

## REMARKS

The Office Action of July 25, 2007, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hanson et al. (U.S. Patent No. 5,509,915).

Claim 1 is directed to an absorbent article comprising an absorbent body. A liquid-permeable covering layer is arranged over a first surface on the absorbent body, the liquid-permeable covering layer comprising a nonwoven material with a pore volume distribution curve with a maximum at a pore radius greater than or equal to 50  $\mu\text{m}$  and with a wetting angle of at least 120°. Further, a liquid-permeable liquid-transfer layer is arranged between the absorbent body and the liquid-permeable covering layer, immediately adjacent said first surface of the absorbent body, and the liquid-transfer layer comprises a fibrous layer with a pore volume distribution curve with a maximum at a pore radius of from 105 to 325  $\mu\text{m}$ .

The primary reference upon which the Examiner relies, Hanson et al., discloses an absorbent article including a backsheet layer 30, a liquid permeable topsheet layer 28, and an absorbent structure 32 interposed therebetween. The absorbent structure 32 further includes a surge management portion, such as surge layer 46, which is located adjacent at least one major, facing surface of topsheet layer 28.

The Examiner appears to rely upon the disclosure of composite liner-surge web 76 shown in Fig. 12 and described at col. 21, lines 48-54 to meet the limitations of claim 1. In this embodiment the surge management portion, i.e., composite liner-surge web 76, is placed adjacent the bodyside of topsheet 28 such that bodyside layer portion 80

faces the wearer, and outside layer portion 78 is immediately adjacent top sheet 28. Relative to this embodiment, the Examiner contends, as best understood, that bodyside layer portion 80 satisfies the requirements for the claimed covering layer and that outside layer portion 78 satisfies the requirements for the claimed liquid-transfer layer. Applicants respectfully traverse this rejection.

At the outset, the Examiner relies upon the information contained in FIG. 13 for support for a liquid-permeable covering layer comprising a nonwoven material with a pore volume distribution curve with a maximum at a pore radius greater than 55  $\mu\text{m}$ , as recited in claim 1. Referring to Example 9, four fabrics suitable for use as surge management materials were constructed and tested for pore size distribution, Col. 36, lines 26-28. Only fabric #4 however is a composite fabric comprising a bodyside layer portion and an outside layer portion. The pore size distributions for each of the four fabrics were measured and illustrated in the graph of FIG. 13. Col. 37, lines 3-4. Hence, FIG. 13 discloses or suggests properties for the composite fabric #4 -- not for just the bodyside layer portion thereof which the Examiner meets the limitations of claim 1 relative to the covering layer. Accordingly, since claim 1 recites that it is the liquid-permeable covering layer -- not a composite of the covering layer and the liquid transfer layer -- that has a distribution curve with a maximum at a pore radius greater than or equal to 50  $\mu\text{m}$ , Applicants submit that claim 1 is not rendered obvious by the cited reference.

As set forth above, claim 1 has been amended to recite that said liquid-permeable liquid-transfer layer is immediately adjacent said first surface of the absorbent body. In contrast to this arrangement, the composite liner-surge web embodiment relied upon by the Examiner contemplates positioning of the same against

the bodyside of the top sheet 28. With such arrangement, the outside surge layer 78 is immediately adjacent the top sheet 28 -- not the absorbent body. While other embodiments of the invention illustrate other arrangements of the surge layer, the embodiment upon which the Examiner relies clearly does not suggest the claimed arrangement. Picking and choosing individual features from amongst the several embodiments of Hanson does not take into consideration what the reference as a whole would suggest to one skilled in the art, and is thus impermissible.

Still further, claim 1 recites that the liquid-permeable covering layer comprises a nonwoven material with a wetting angle of at least 120°. After relying on the bodyside liner layer 80 to meet the requirements of the claimed covering layer, the Examiner now appears to rely on topsheet 28 to meet the further requirements of the claimed covering layer. Applicants submit that arbitrarily relying on different layers of the Hanson product to meet the recitations of the claimed covering layer is not a proper application of the prior art.

Accordingly, with respect to the bodyside liner layer 80, which the Examiner contends meets the recitations relative to the claimed covering layer, Hanson et al. discloses that bodyside liner layer 80 may comprise a carded web which has a basis weight of about 17gsm and is composed of polyethylene. Hanson et al. discloses that contact angles of less than 90° are desired in the fabric structure of the surge management portion, and provides material examples to reduce the contact angle below 90°. Accordingly, Hanson et al. clearly teaches away from the covering layer having a wetting angle of at least 120° as recited in claim 1.

Applicants further submit that the remaining claims are patentable based at least upon their dependence from claim 1.

### CONCLUSION

In view of the above amendments and remarks, Applicants respectfully submit that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicants regarding the same.

Respectfully submitted,

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